

日本資本主義と大学・法学部

著者	前田 達男
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Das wichtigste der aktiven Rechte der Studenten ist das Recht, sich an der Selbstverwaltung der Universität zu beteiligen. Die Beteiligung der Studenten an der Universitätsverwaltung ist mit der Demokratisierung begründet, weil das demokratische Prinzip die Beteiligung aller Mitglieder vorsieht. In welchem Umfang und in welchem Grad die Studenten sich daran beteiligen sollen, ist von der Eigenart der Studenten und dem ihnen eigentümlichen Recht abhängig

Japanese Capitalism and the Faculty of Law at Universities

Tatsuo Maeda

The reorganization of the faculty of law, which is making steady progress behind the highlighted "campus disputes," has been liable to be overlooked. It is chiefly because a mention of the "university problem" is immediately interpreted by the juristic way of thinking as the problem concerning university management, namely the problem of "university autonomy." This kind of view on the faculty of law, mainly held by jurists, brings forth the pride that the faculty of law hoists a flag of university autonomy and that it pursues its own free, academic development, being quite free from the "social demand" of the state, namely of the monopolistic capital; or in other words, the so-called "cooperation between the industry and university" or "manpower-policy."

This view seems to be too optimistic. A reform or reorganization plan now on the tapis which demands "rational reorganization" of the universities claims to be applicable to the faculty of law as well as other faculties in the university. In order to have a view on the "future" of the faculty of law, we must have a correct knowledge of its "past" and "present," and this may be only possible by the study of sociology of law on the faculty of law, which is the study far surpassing the narrow juristical view.

Based on the above viewpoint, the discussion in this thesis includes the following points.

- (1) The establishment of the Japanese capitalism; the consolidation of state organs and the integration of various higher and technical educational institutions.
- (2) The policy of university expansion and of upbringing highly educated men of talent, in consideration of a keen international competition and the shift of the state regime from capitalism stage to that of imperialism.
- (3) The "rationalization" or reorganization plan of the universities under the regime of the national monopolistic capitalism in the nineteen-thirties.

By thus examining we come to find it evident that the history of the faculty of law has been strictly regulated by and reacted on the history of the development of the Japanese capitalism—its general pattern of development, peculiar structure and character. The supplementary discussion reveals one phase of it.

It is not correct to say, however, that the faculty of law has been servile, without any resistance, to the "reform" given by the authorities. The development of the universities, at the same time, brought forth the ardent claim to the freedom of searching for truth and that of the scientific research based on the people's standpoint. The social bases of this claim were the formation of the students' social strata and the relative lowering of their position in society, that is, their proletarianization. The Japanese fascism and the Emperor system struck down this real development of the universities.

The "future" of the faculty of law must be "learned" by "creating" it.

Supplementary Discussion : The Faculty of law at Imperial Universities and "National-Social Demand"

Takayoshi Yoroi

Judging from the graduates' choice of places of employment, the character of the faculty of law at imperial universities made a remarkable change, during the period of the early days of the *Taisho* era, from the bureaucrats' training school to the training school for the candidates for the executives of company. In